

August 9, 1985

Commander C .E. Hudson
Naval Undersea Warfare Engineering Station
Department of the Navy
Keyport, Washington 98345

Dear Commander Hudson:

This is in response to your letter dated July 2, 1985, and summarizes the discussion I had with Ms. Lynn Elliot of the Hazardous Material Technical Center (HMTC) regarding the regulatory status of propulsion fuel contaminated with salt water destined for reclamation. As Ms. Elliott described to me, any propulsion fuel (Otto fuel) that remains in a torpedo (after it has been fired) that is retrieved from the ocean can be recovered. However, since the torpedoes are not water tight, the propulsion fuel becomes contaminated with salt water; this salt water/propulsion fuel mixture is what is sent for reclamation. Therefore, you requested an interpretation of whether the contaminated propulsion fuel when sent for reclamation is subject to the hazardous waste regulations.

As I explained to Ms. Elliott, the propulsion fuel/salt water mixture is not subject to regulation under the hazardous waste regulations when sent for reclamation. Our basis for this is that the contaminated propulsion fuel being defined as a commercial chemical product is not considered a solid or a hazardous wastes when sent for reclamation .1/ See 40 CFR 261.2 (c) (3); see also 50 FR 618, January 4, 1985. Therefore, this material when managed in this way is excluded from the hazardous waste regulations.

1/ It might be argued that the contaminated propulsion fuel is a spent material, in which case the material would be subject to the hazardous waste regulations. However, we believe the material is not spent since any fuel that is spent (or used) would no longer exist. Therefore, we believe this material should be classified as a commercial chemical product

Please give me a call if you have any further questions; my telephone number is (202) 475-8551.

Sincerely yours,

Matthew A. Straus, Chief
Waste Identification Branch